

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2092/P1dn
RPN:sac:ph

April 12, 2013

I have drafted this bill without referring to s. 302.25, 2011 Wis. stats., the Interstate Corrections Compact, which appears to control the transfer of inmates across state lines for confinement in a penal institution in another state. The language of that section and the definitions used in that section are very broad and appear to apply to all persons committed to a penal or correctional institution in this state.

I researched the history of this language and found that it was enacted in 1981 as part of the budget bill. The language of the analysis of the underlying draft bill that was folded into that budget bill parrots the language of the bill; it does not explain who was intended to be subject to the compact, other than inmates of penal or correctional institutions. However, the language of adjacent sections of the chapter where this compact was placed, chapter 53, 1981 Wis. Stats., appears to use the term "inmate" to refer to persons confined in state correctional facilities, not persons confined in county jails. Attached are copies of pages from the 1981 bill and statutory chapter for your review.

Another current statutory section, s. 302.31 (8m), allows counties to make agreements with counties from other states that border this state to detain persons from the other state in this state's county jail, without any reference to s. 302.25.

I am aware of no cases that clarify this issue. My opinion is that the Interstate Corrections Compact does not apply to a person in a county jail who was ordered confined because of his or her failure to pay a municipal monetary judgment.

Robert Nelson
Legislative Attorney
Phone: (608) 266-9739
E-mail: robert.nelson@legis.wisconsin.gov